



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Attorney Docket No.: ERDF 22.464 (335981-00001)**

First Named Inventor : Jeffrey A. ERDFARB  
Title : Measuring Device  
Serial No. : 10/003,198  
Confirmation No. : 4144  
Filed : October 31, 2001  
Examiner : Amy R. COHEN  
Group Art Unit : 2859

**Filed by Express**

**(Receipt No. EV 732 682 066 US**

**on 8-24-07**

**pursuant to 37 C.F.R. 1.10.**

**by Christopher Colacurcio**  
Christopher Colacurcio

August 24, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF JEFFREY ERDFARB UNDER 37 C.F.R. § 1.132**

Madam:

I, Jeffrey Erdfarb, hereby declare as follows:

1. I am the president and marketing director of Builderscale, the developer and marketer of the Planreader<sup>®</sup> line of tape measures, and the inventor/applicant of the above-identified application.
2. The Planreader<sup>®</sup> tape measures have traditional inch and foot markings on a first side of the tape and construction scale markings on a second side of the tape. In particular the scale markings on the second side are at both residential construction scale (1/4<sup>th</sup> in. – 1 ft) and

commercial construction scale (1/8th in. – 1 ft). On the second side the scale markings are provided in whole feet increments each 1/4<sup>th</sup> or 1/8<sup>th</sup> inch along two separate edges of the tape.

3. I believe that the commercial Planreader<sup>®</sup> tape measure includes all the features of independent claims 13 and 31 of the above-identified application. (See Exhibit A)

4. Attached hereto as Exhibit A is a portion from the July/August edition of a builder's trade publication "Building Products."

5. In this edition of Building Products Magazine, the editors awarded their "Most Valuable Product" awards for 2007. The Planreader<sup>®</sup> tape measure was awarded a Most Valuable Products Award, on page 40 of the publication. (See Exhibit B).

6. In addition to receiving the award, the editors of Building Products Magazine singled out the Planreader<sup>®</sup> tape measure as one of the "most valuable" in their separate editorial on page 17 of the publication. (Exhibit B)

7. In addition to the critical acclaim of the Planreader<sup>®</sup> tape measure, companies have also taken notice and have begun placing orders for the tape measure. For example, Klein Tools, a major worldwide manufacturer and distributor of tools has placed an order for 25,000 pieces.

8. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Respectfully submitted,

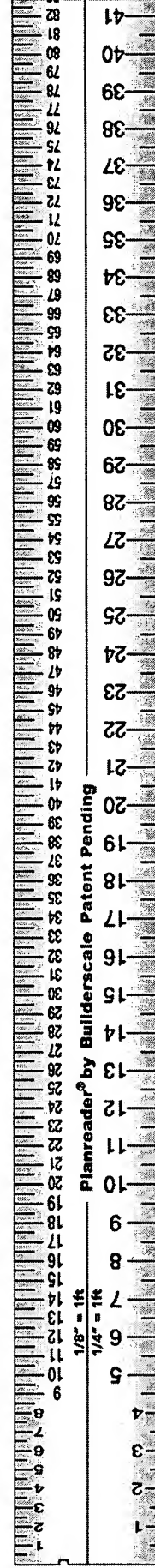
Date August 23, 2007 Jeffrey E. Garb for Buildexco

**EXHIBIT A**

Front



Back

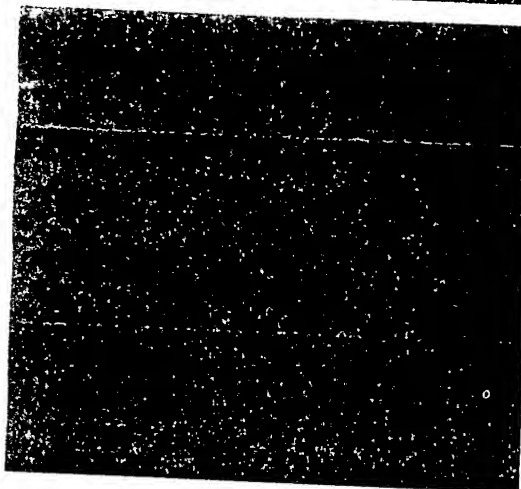
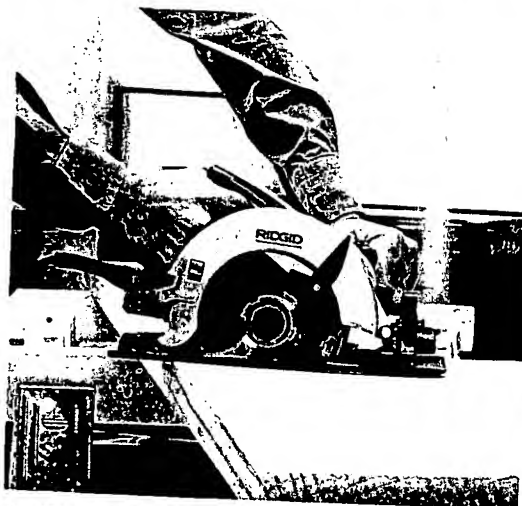


**EXHIBIT B**

# BUILDING PRODUCTS

harsco▼wood

JULY/AUGUST 2007

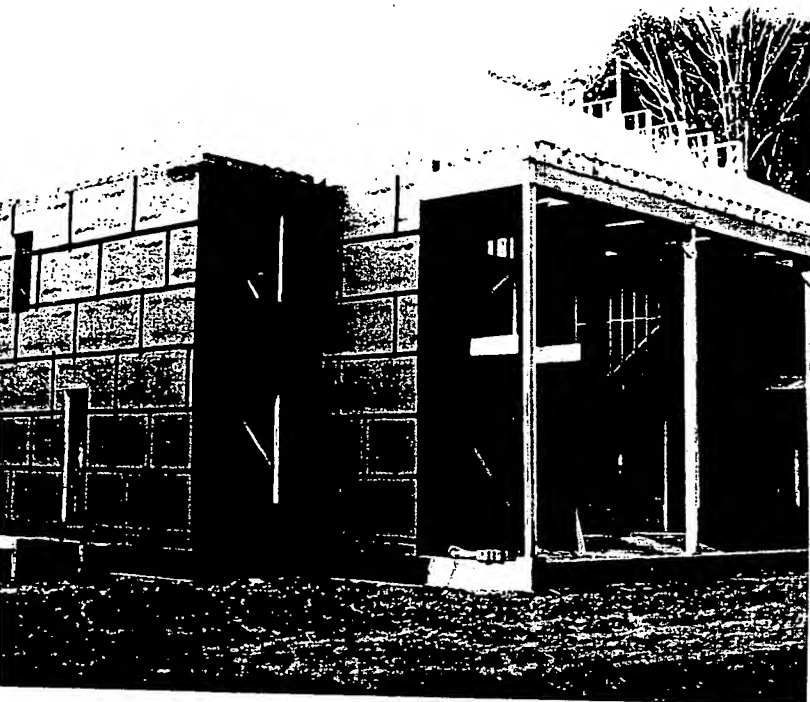


**MVP 32 ALL-STAR**  
**AWARDS PRODUCTS**  
MOST VALUABLE PRODUCT  
You Don't Want to Miss

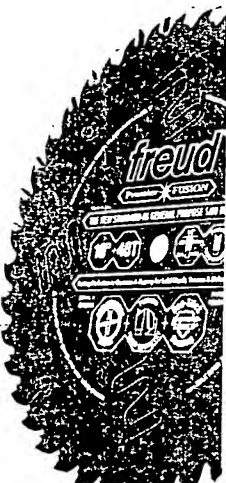
PLUS

The Latest in Bathroom Lighting, Outdoor Pavers, Kitchen Faucets, Interior Molding, Sealants and Adhesives, and Much More

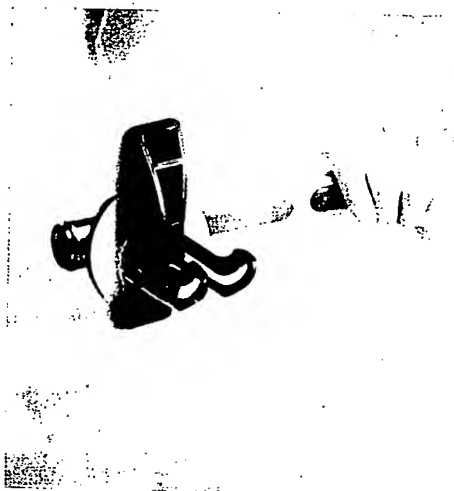
# MVP AWARDS



**Huber Engineered Woods.** Everyone loves a two-fer, which is exactly what ZIP System wall panels provide. These distinctive-looking 7½-inch-thick structural panels feature a built-in water-resistant barrier, eliminating the need for housewrap. "I like the one-step installation," a judge commented. ZIP System tape is then used to seal the seams. The panels feature a preprinted fastening guide for 16-inch and 24-inch on-center stud spacings for vertical and horizontal installation, plus a preprinted tape guide. The barrier doesn't blow off or tear like housewrap can, according to the maker. Cost: \$7 to \$9 a panel. 800-933-9220. [www.huberwood.com](http://www.huberwood.com). Circle 314.



**Freud America.** Sometimes "general purpose" means doing many things, but none of them very well. The Premier Fusion general-purpose saw blade, however, has been designed to cover the gamut from crosscuts and rips in hardwoods and softwoods to cuts in two-sided veneer and laminates. Not having to change blades "saves huge amounts of time," a judge noted. A double-grind tooth design helps the carbide blade cut smoothly so vibration is dampened. The non-stick coating prevents corrosion and gumming. The series includes four sizes: 8-, 10-, 12- and 14-inch. Cost: \$99. 800-334-4107. [www.freudtools.com](http://www.freudtools.com). Circle 319.



**Home Care by Moen.** More than 100,000 falls take place each year, and grab bars in the home can help prevent them. SecureFast anchors provide a solid, fast, secure installation. A simple install—no stud needed, a judge said. That means no scoping out or wall holes to be removed and no nailing needs were added, saving time and money, according to the maker. Instead, the grab bar is mounted onto the GrabFast anchors that require simple drilling to install. The anchors are appropriate for walls 1½ to 1½ inches thick and work with marble, tile, drywall, fiberglass and tub surrounds. They can be used not only with Moen and Home Care by Moen grab bars, but also for one made by most other manufacturers. Cost: \$26 per pair. 800-452-2017. [www.moen.com](http://www.moen.com). Circle 321.

**Builderscale.** Mathematically impaired contractors need PlanReader tape measures are designed to make it easier to take measurements for blueprints in the field. On the reverse side of the tape are only the standard commercial construction ¼-inch scale and the residential construction 1/8-inch scale. The markings represent the actual feet and inches drawn on the plan, thus eliminating the hassle of converting fractional numbers to feet and inches. In addition, the markings on the front side are extra large, making them easier to see than on many other measuring tapes on the market. The tape comes in lengths of 25, 30 and 35 feet. Cost: \$9.50 to \$14.50. 800-432-1286. [www.builderscale.com](http://www.builderscale.com). Circle 315.



**Kohler.** From the waiting to the installation, Kohler's Grab Bars make the entire process a breeze. They're tested with a 250-pound man, and they're made of stainless steel.





## Mark Your Calendar

SEPT. 5-9

### CEDIA EXPO 2007

Denver. Showcasing the newest products in the residential electronic systems industry including home theater, multi-room audio and video, lighting control, environmental control, home networking, home automation, residential information technology, security, and more. For information visit [www.cedia.net](http://www.cedia.net).

OCT. 9-12

### THE REMODELING SHOW

Las Vegas. The premier event in the building and construction industry dedicated solely to the remodeling industry. For information visit [www.theremodelingshow.com](http://www.theremodelingshow.com).

NOV. 27-30

### INTERNATIONAL POOL & SPA EXPO

Orlando, Fla. For information call 888-869-8522 or visit [www.poolandspaexpo.com](http://www.poolandspaexpo.com).

NOV. 27-30

### BACKYARD LIVING EXPO

Orlando, Fla. For information call 888-869-8522 or visit [www.poolandspaexpo.com](http://www.poolandspaexpo.com).

DEC. 3-5

### REINVENTION 2007:

#### DESIGNING FOR THE FUTURE

Charleston, S.C. A conference examining ways attendees can learn from the past while still advancing the profession and the art of residential design. For information visit [www.reinventionconf.com](http://www.reinventionconf.com).

JAN. 29-FEB. 1, 2008

### SURFACES

Las Vegas. Showcasing the latest in floor coverings. For information call 800-547-3477 or visit [www.surfaces.com](http://www.surfaces.com).

FEB. 13-16, 2008

### INTERNATIONAL BUILDERS' SHOW

Orlando, Fla. For information call 800-368-5242, ext. 8111, or visit [www.buildersshow.com](http://www.buildersshow.com).

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## Product All Stars

Each year, the All Star game features the most outstanding baseball players from the American and National leagues slugging it out for bragging rights as to which is home to the best players. There can be only one winning team, of course, and this July, the American League extended its unbeaten record to 11 consecutive games.

Luckily for you, there isn't just one winner in the 2007 BUILDING PRODUCTS Most Valuable Product Awards. Featured in this issue you'll find 32 terrific products that are truly all stars.

Each year, our MVP Awards competition singles out an elite group of new products worthy of special recognition. This year, products ranging from a limestone veneer to a water-conserving showerhead to a no-wobble ladder were deemed top-notch by our panel of expert judges. These products offer ways to make your job easier, your projects more stunning, and your business more profitable.



**Jean Dimeo**  
EDITORIAL DIRECTOR

What I love about the MVP Awards is that some of the smallest, inexpensive products are often the most valuable. The Builderscale Planreader tape measure is a good example. It's designed to make it easier to take measurements off blueprints in the field. On the reverse side of the tape are both the standard commercial construction scale and the residential construction scale. The markings

represent the actual feet and inches drawn on the plan, eliminating the hassle of converting

fractional numbers to feet and inches. And it costs just \$9 to \$17, about the price of lunch for two hungry builders at a fast-food restaurant.

Another winner, Oz-Post post anchors, are said to offer an easier alternative to the time-consuming, backbreaking job of digging post holes and mixing concrete for fences and decks. They are jackhammered into the ground using a special adapter in about five minutes apiece, and go through asphalt, hard-packed clay, and frozen or rocky ground. Cost: \$12.75 per post.

The MVP Awards don't represent all the best products, nevertheless. We asked manufacturers to submit their best products introduced between January 2006 and January 2007, and our builder, remodeler, and architect judges scrutinized each firm's written statements, press materials, brochures, pricing information, testimonials, and photography. Specifically, our panel assessed each entry based on a single requirement: Is the product of "value" to pros, meaning does it reduce installation time, callbacks, or labor costs; solve a problem; simplify installation; boost profits; or add curb appeal or a "wow" factor to a home?

I invite you to tell me about the products—new or old, expensive or low-cost—you love and why they help make your job easier or better. Starting next year on [ebuild.com](http://ebuild.com), BUILDING PRODUCTS' Web site, you'll find the products your peers say are their personal favorites. Maybe one of them will come from you.